

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

NOV 20 2015

Mr. Mark Hague
Acting Regional Administrator
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Dear Mr. Hague:

The Missouri Department of Natural Resources requests that the U.S. Environmental Protection Agency amend the Missouri State Implementation Plan (SIP) to include the following new rule(s) submitted.

10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO_x Trading Allowance Allocations

This new rule reallocates the annual nitrogen oxides (NO_x) emission allowances for the U.S. Environmental Protection Agency's (EPA's) annual NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations

This new rule reallocates the ozone season nitrogen oxides (NO_x) emission allowances for the U.S. Environmental Protection Agency's (EPA's) ozone season NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

10 CSR 10-6.376 Cross-State Air Pollution Rule Annual SO₂ Trading Allowance Allocations

This new rule reallocates annual sulfur dioxide (SO₂) emission allowances for the U.S. Environmental Protection Agency's (EPA's) annual SO₂ regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

These rules meet the requirements of 40 CFR 52 which allows states to modify the allocations under the federal Cross-State Air Pollution Rule and do not allow changes after the reallocations are submitted.

The Missouri Air Conservation Commission adopted the enclosed rule action(s) on August 27, 2015. The commission has full legal authority to develop rules pursuant to Section 643.050 of the Missouri Air



Mr. Mark Hague
Page Two

Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the rule action(s).


Enclosed are the required SIP submittal elements for determination of plan completeness per 40 CFR Part 51, Appendix V.

Compliant with the April 6, 2011 SIP regional consistency memo, an exact duplicate of this submittal is also being provided as an electronic attachment in an email to the Region VII Missouri coordinator. A searchable pdf version of the rule is available on the Code of State Regulations website at <https://www.sos.mo.gov/CMSImages/AdRules/csr/current/10csr/10c10-6b.pdf>.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact Wayne Graf, with the Department's Air Pollution Control Program at P.O. Box 176, Jefferson City, MO 65102 or by phone at (573) 751-8406 or email at wayne.graf@dnr.mo.gov.

Sincerely,

AIR POLLUTION CONTROL PROGRAM


Kyra L. Moore
Director

KLM:abc

Enclosures:

Copy of commission signature page certifying Missouri Air Conservation Commission adoption
Copy of technical support documentation for rule (if applicable)
Copies of public hearing notices
Copy of public hearing transcript introductory statement
Copy of MO Reg proposed rulemaking
Copy of MO Reg order of rulemaking with comments and responses as filed with Secretary of State's Office


c: Missouri Air Conservation Commission

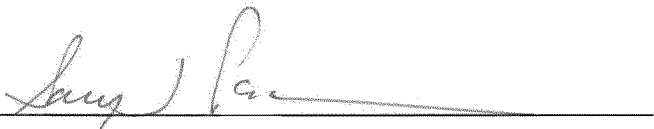
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Order of Rulemaking

The Missouri Air Conservation Commission **ADOPTS** the following action
on this 27th day of August, 2015:

10 CSR 10-6.372 (new rule) Cross-State Air Pollution Rule Annual NO_x
Trading Allowance Allocations

, Chairman

, Vice Chairman

Jack C. Baden, Member

, Member

_____, Member


_____, Member


_____, Member


Order of Rulemaking


The Missouri Air Conservation Commission **ADOPTS** the following action on this 27th day of August, 2015:

10 CSR 10-6.374 (new rule) Cross-State Air Pollution Rule Ozone Season
NO_x Trading Allowance Allocations

, Chairman

, Vice Chairman

, Member

, Member

_____, Member

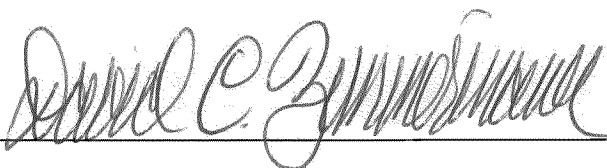
_____, Member

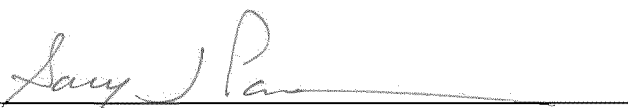
_____, Member

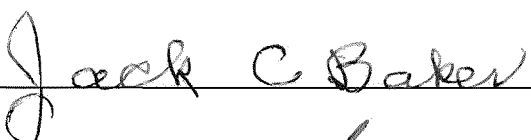
Order of Rulemaking


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10 CSR 10-6.376 (new rule) Cross-State Air Pollution Rule Annual SO₂ Trading Allowance Allocations

_____, Chairman

_____, Vice Chairman


_____, Member

_____, Member

_____, Member





_____, Member

_____, Member



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Rulemakings on Public Notice

» » **Air Pollution Control Program**

The Missouri Department of Natural Resources filed the following proposed rulemakings with the secretary of state's office and comments are being accepted as noted at the end of the proposed rulemaking under the Notice of Public Hearing and Notice to Submit Comments heading. To submit comments electronically, use the links below the rule or to **submit written comments** see the address below.



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This new rule reallocates the annual nitrogen oxides (NO_x) emission allowances for the U.S. Environmental Protection Agency's annual NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

Proposed Rulemaking - Published in June 15, 2015, Missouri Register

Rulemaking Detail

Submit comments now
Submit written comments

Comments on this rulemaking will be accepted through close of business Aug. 10, 2015.

10 CSR 10-6.374 (new rule) Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations

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Proposed Rulemaking - Published in June 15, 2015, Missouri Register

Rulemaking Detail

Submit comments now
Submit written comments

Comments on this rulemaking will be accepted through close of business Aug. 10, 2015.

10 CSR 10-6.261 Control of Sulfur Dioxide Emissions

This new rule will set enforceable environmental conditions and emission limits necessary to

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- Small Business Assistance**
- State Plans**
- Vapor Recovery Information and Compliance Requirements**

Contact Information

Air Pollution Control Program

P.O. Box 176
Jefferson City, MO 65102
800-361-4827
573-751-4817

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Report an Environmental Concern

Meet the Air Pollution Control Program Director

address the U.S. Environmental Protection Agency's 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) of 75 parts per billion (ppb) [75 Federal Register (FR) 35520, June 22, 2010]. The rule is a core component of the Missouri State Implementation Plan (SIP) for the SO₂ nonattainment area in Jackson county. In addition, this proposed rule incorporates all necessary existing provisions from 10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds (i.e., provisions in place prior to the 1-hour SO₂ NAAQS) in order to consolidate SO₂ requirements and reduce confusion for Missouri's SO₂ emission sources.

Proposed Rulemaking - Published in May 15, 2015, Missouri Register

Fiscal Notes 

Rulemaking Detail

Submit comments now

Submit written comments

Comments on this rulemaking will be accepted through close of business July 2, 2015.

10 CSR 10-6.260 Restriction of Emission of Sulfur Compounds

This rulemaking will rescind the current rule. The department's Air Pollution Control Program is proposing a new sulfur dioxide (SO₂) rule, 10 CSR 10-6.261 Control of Sulfur Dioxide Emissions, that addresses requirements for sources affected by the U.S. Environmental Protection Agency's initial 1-hr SO₂ National Ambient Air Quality Standard nonattainment designations. That new rule also carries forward requirements as is from 10 CSR 10-6.260 needed to maintain existing levels of SO₂ control in areas outside nonattainment areas.

Proposed Rulemaking - Published in May 15, 2015, Missouri Register

Rulemaking Detail

Submit comments now

Submit written comments

Comments on this rulemaking will be accepted through close of business July 2, 2015.

 **Submit written comments about any rule development to:**

Chief, Air Quality Planning Section
Missouri Department of Natural Resources
Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102-0176

By Division

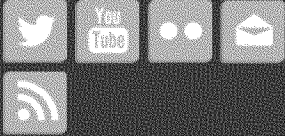
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Bechtel, Cheri

From: Missouri DNR <MODNR@public.govdelivery.com>
Sent: Wednesday, July 01, 2015 4:26 PM
To: Lovejoy, Victoria; Archer, Larry; Vit, Wendy; Alexander, Jennifer; Bungart, Renee; Moore, Kyra; Bechtel, Cheri; Deidrick, Steph
Subject: Courtesy Copy: Missouri Air Conservation Commission - August 3, 2015 Public Hearing

This is a courtesy copy of an email bulletin sent by Cheri Bechtel.

This bulletin was sent to the following groups of people:

Subscribers of Air Public Notices (757 recipients)



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MISSOURI AIR CONSERVATION COMMISSION WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO -- The Missouri Air Conservation Commission will hold a public hearing on Monday, August 3, 2015 beginning at 1:30 p.m. at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. The commission will hear testimony related to the following proposed action(s):

- * 10 CSR 10-6.372 (new rule) Cross-State Air Pollution Rule Annual NO_x Trading Allowance Allocations

This new rule reallocates the annual nitrogen oxides (NO_x) emission allowances for the U.S. Environmental Protection Agency's (EPA's) annual NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

- * 10 CSR 10-6.374 (new rule) Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations

This new rule reallocates the ozone season nitrogen oxides (NO_x) emission allowances for the U.S. Environmental Protection Agency's (EPA's) ozone season NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

* 10 CSR 10-6.376 (new rule) Cross-State Air Pollution Rule Annual SO₂ Trading Allowance Allocations

This new rule reallocates annual sulfur dioxide (SO₂) emission allowances for the U.S. Environmental Protection Agency's (EPA's) annual SO₂ regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. At the same time, this rule incorporates new unit set-aside and existing unit allocation methods similar to the federal rule.

If the Commission adopts the action(s), it will be the Department's intention to submit the action(s) to the U.S. Environmental Protection Agency to be included in Missouri's State Implementation Plan unless otherwise noted above.

Documents for the above item(s) will be available for review at the Missouri Department of Natural Resources, Air Pollution Control Program, 1659 Elm Street, Jefferson City, (573) 751-4817 and in the Public Notices section of the program web site <http://dnr.mo.gov/env/apcp/public-notice.htm>. This information will be available at least 30 days prior to the public hearing date.

The Department will accept written or email comments for the record until 5 p.m. on August 10, 2015. Please send written comments to Chief, Air Quality Planning Section, Air Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. Email comments may be submitted via the program web site noted above. All written and email comments and public hearing testimony will be equally considered.

Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, or telephone (573) 526-3420. The Department requests persons intending to give verbal presentations also provide a written copy of their testimony to the commission secretary at the time of the public hearing.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Program directly at (573) 751-4817, the Division of Environmental Quality's toll free number at (800) 361-4827, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.

You are subscribed to the Air Public Notices topic for Missouri Department of Natural Resources. This information has recently been updated, and is now available at the link below. Thank you for your interest in the Air Public Notices.

<http://dnr.mo.gov/env/apcp/rulemaking.htm>

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PUBLIC HEARING 8/3/2015

Page 1	Page 3
<p>1 BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES MISSOURI AIR CONSERVATION COMMISSION MEETING</p> <p>2</p> <p>3 PUBLIC HEARING</p> <p>4</p> <p>5 August 3, 2015 Elm Street Conference Center 1730 E Elm Street Jefferson City, MO 65101</p> <p>7</p> <p>8 Before:</p> <p>9 David Zimmermann - Chairman Jack Baker - Commissioner 10 Mark Garnett - Commissioner Gary Pendergrass - Commissioner</p> <p>11</p> <p>12</p> <p>13 THE COURT REPORTER:</p> <p>14 Jenna Petree MIDWEST LITIGATION SERVICES 15 2511 Broadway Bluffs Columbia, MO 65201 16 573-449-0561</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 business address and your occupation or affiliation. If 2 you have a prepared statement, it will be helpful if you 3 will provide a copy to the Staff Director, court reporter, 4 and members of the Commission.</p> <p>5 Kyra Moore.</p> <p>6 KYRA MOORE, having been first duly sworn, testifies as 7 follows:</p> <p>8 MS. MOORE: Chairman, members of the 9 Commission, my name is Kyra Moore. I am the Staff Director 10 of the Air Pollution Control Program within the Department 11 of Natural Resources for the Air Conservation Commission. 12 I worked at 1659 East Elm Street in Jefferson City, 13 Missouri 65101.</p> <p>14 The Air Pollution Control Program posted the 15 proposed rulemakings for public review and comment on the 16 Department of Natural Resources' Website at least 30 days 17 prior to this public hearing. We also published the 18 proposed rulemakings, including notices of public hearings, 19 in the Missouri Register on June 15, 2015.</p> <p>20 In addition to making the proposed rulemakings 21 available for viewing and comment, the Air Pollution 22 Control Program distributed the public hearing notice to 23 nearly 700 citizens, organizations, corporations, 24 associations, and elected officials. Finally, we also 25 notified the Kansas City, St. Louis County, and Springfield</p>
Page 2	Page 4
<p>1 PROCEEDINGS</p> <p>2 MR. ZIMMERMAN: The hearing will come to 3 order. Let the record show the following commissioners are 4 present: Jack Baker, Mark Garnett, Gary Pendergrass, and 5 David Zimmermann.</p> <p>6 The Air Conservation Commission of the State 7 of Missouri has called this public hearing pursuant to 8 Section 643.070, Revised Statutes of Missouri; EPA 9 promulgated rule 40 CFR 51.102, for the purpose of hearing 10 testimony relating to: 10 CSR 10-6.372 (new rule) 11 Cross-State Air Pollution Rule Annual Nox Trading Allowance 12 Allocations; 10 CSR 10-6.374 (new rule) Cross-State Air 13 Pollution Rule Ozone Season NOx Trading Allowance 14 Allocation; 10 CSR 10-6.376 (new rule) Cross-State Air 15 Pollution Rule Annual SO2 Trading Allowance Allocations.</p> <p>16 The hearing record will close at 5:00 p.m. on 17 August 10, 2015. Anyone who has not been scheduled to 18 appear, but wishes to be heard, should indicate that you 19 wish to speak on the sign-in sheets available at the door.</p> <p>20 Section 643.100 of the Missouri Statutes 21 provides that all oral testimony be given under oath. 22 Accordingly, when you are called the testify, please 23 present yourself to the court reporter first to be sworn 24 in.</p> <p>25 When you testify, please state your name</p>	<p>1 local air pollution control agencies; Illinois, Kansas and 2 other surrounding states; and the U.S. Environmental 3 Protection Agency of this public hearing.</p> <p>4 Chairman, that concludes my testimony.</p> <p>5 MR. ZIMMERMAN: Thank you. Now I would like 6 to call on Aaron Basham to report.</p> <p>7 AARON BASHAM, having been first duly sworn, testifies as 8 follows:</p> <p>9 MR. BASHAM: Mr. Chairmen, members of the 10 Commission, my name is Aaron Basham. I'm employed with the 11 Missouri Department of Natural Resources' Air Pollution 12 Control Program. I work at 1659 East Elm Street in 13 Jefferson City, Missouri.</p> <p>14 If it pleases the Commission, as the rules are 15 similar, I would like to present combined testimony for the 16 proposed new rules 10 CSR 10-6.372 Cross-State Air 17 Pollution Rule Annual NOx Trading Allowance Allocations, 10 18 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season 19 NOx Trading Allowance Allocations, and 10 CSR 10-6.376 20 Cross-State Air Pollution Rule Annual SO2 Trading Allowance 21 Allocations. The rules begin on page 91 of the Briefing 22 Document.</p> <p>23 The federal Cross-State Air Pollution Rule or 24 CSAPR, aims to reduce the effect that upwind state 25 emissions of nitrogen oxides and sulfur dioxide have on air</p>

1 (Pages 1 to 4)

additional credentials for that registrant's fleets for the duration of the suspension period. Prior to the issuance of any suspension of TVRs and credentials, the commission shall notify the registrant in writing that payment and/or documentation has not been received or the TVR privilege is being abused and provide information regarding action the registrant must take to become compliant. Upon the registrant taking the action set forth in the commission's notice, the suspension shall be terminated. If the suspension is due to TVR abuse, the registrant shall not receive TVRs for the length of the suspension, but may receive other credentials.

(B) ~~Revocation.~~ The alteration of a TVR will result in a one (1) ~~year~~ TVR revocation. Revocation of TVR privileges does not hinder a registrant's ability to register other vehicles. Revocation of privileges will be reviewed not later than one (1) year after revocation implementation at which time if all delinquent fees are paid, then a reinstatement order will be issued.

(C) ~~Fees.~~ When a request for TVR is made, fees will be charged according to the application type from the time of issuance until the end of the registration year. At no time will the application type be changed during operation or after the expiration of the TVR unless approved by the director or his/her designee. The director or his/her designee may cancel the TVR if the registrant returns the TVR within five (5) days of issuance or reduce TVR fees if the TVR is returned before the expiration date and provided the registrant submits adequate proof to support registrant's written request for reduction of fees.

~~[(12)](10) Trip Leasing.~~

(A) A registrant may lease equipment to another fleet registrant and the lessor shall be responsible for reporting the distance traveled by the leased equipment. The lessee shall be the person using and operating the equipment by the lease agreement.

(B) An apportioned vehicle may be leased to a nonapportioned carrier in any jurisdiction. The lessor shall be responsible for reporting the distance traveled by the leased equipment.

~~[(13)](11)~~ The commission reserves the power to fix and collect a reasonable fee to cover the costs of handling and issuing all credentials or other evidence of proper registration necessary for operating a qualified vehicle in this state.

~~[(14)](12)~~ The commission shall require the following prerequisite documentation to support an application for apportioned registration:

(A) ~~Personal Property Tax Receipt Required.~~ A Missouri tax receipt or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing payment of the personal property tax or that no tax is due by the owner is a prerequisite to the registration of qualified vehicles. A detailed vehicle listing or copy of the assessment form filed by the vehicle owner with the county assessor may be requested in addition to the tax receipts when the receipt does not include complete vehicle information. Carriers using Missouri as the base jurisdiction for apportioned registration purposes asserting no distance was operated by specific vehicles in Missouri shall submit to the commission the Affidavit Affirming No Missouri Distance Traveled, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, *[Motor Carrier Services Division, 1320 Creek Trail Drive, Jefferson City, MO 65109/1405 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102, effective August 1, 2007, which lists these specific vehicles and requires the signatures of both the county collector and assessor. This rule does not incorporate any subsequent amendments or additions of this affidavit. Such affidavit shall not be used as a waiver by any registrant. The Affidavit Affirming No Missouri Distance Traveled may be obtained from the Motor Carrier Services Division website at: <http://www.modot.org/mcs/forms/manuals.htm/documents/AFFIDAVITAFFIRMINGNOMISSOURIMILES.docx> UNE.pdf;*

~~(B) Federal Heavy Vehicle Use Tax Receipt Required.~~ Qualified vehicles that have a taxable gross weight of fifty five thousand pounds (55,000 lbs.) or more are required to show proof of payment of Federal Heavy Vehicle Use Tax or that no tax is due as a prerequisite to the registration of a qualified vehicle~~f.;~~

~~(C) Liability Insurance.~~ Effective July 1, 1987 each Missouri-based registrant must maintain liability insurance coverage or provide proof of self insurance, if applicable, on all vehicles bearing a Missouri apportioned license plate. Proof of liability insurance coverage is a prerequisite to the registration of a qualified vehicle~~f.;~~

~~(D) Lease Agreement.~~ A copy of all lease agreement(s), if applicable, will be required for all vehicles under the control and possession of the registrant. Such lease agreement shall comply with the requirements of 7 CSR 265.10.040~~f.;~~ and

~~(E) Titles.~~ Proof of certificate of ownership is required for all vehicles. When the vehicle is owned by the registrant, a Missouri certificate of ownership in the legal name of the registrant will be required. When a vehicle is owned by another entity other than the registrant, the certificate of ownership from the entity's resident jurisdiction will be accepted.

~~[(15)](13) Vehicles Operated Solely in Intrastate Commerce.~~ Notwithstanding any other provision of law, no reciprocity shall be granted under any statute or agreement for the operation of any qualified vehicle within Missouri solely in intrastate commerce, but all vehicles so engaged must be duly registered and licensed in Missouri.

~~[(16)](14)~~ Any contractor or subcontractor of the commission that is subject to regulation under these administrative rules shall at all times while conducting business with the commission under such contract be in good standing with the laws of the state of Missouri and the administrative rules of the commission, or shall obtain full compliance with such laws or rules within ten (10) days of being notified in writing of noncompliance by Motor Carrier Services Division (MCS).

AUTHORITY: sections 142.617, 226.130, and 301.275, RSMo 2000, and section 226.008, RSMo Supp. [2007] 2014. This rule originally filed as 12 CSR 20.3.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. For intervening history, please consult the Code of State Regulations. Amended: Filed May 15, 2015.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED RULE

10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO_x Trading Allowance Allocations. If the commission adopts this rule

action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/index.html.

PURPOSE: The purpose of this rule is to change the method of reallocating the annual nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to all Transport Rule (TR) nitrogen oxides (NO_x) Annual units located in the state of Missouri.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.402 and 97.403 promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) Notification—Any action by the director to convey information to affected sources and interested parties. This includes, but is not limited to, public web postings with email alerts.

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.411(a), 40 CFR 97.411(b)(1) and 40 CFR 97.412(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(A) Existing Units.

1. Annual Submittal. The director must submit to the U.S. Environmental Protection Agency (EPA) in a format prescribed by the administrator the TR NO_x Annual allowances listed in Table I taking into account any modifications necessary in accordance with paragraph (3)(A)2. of this rule. This submittal must meet the following schedule:

A. By June 1, 2016, the director will submit to EPA allowances for TR NO_x Annual units for the control periods in 2017 and 2018;

B. By June 1, 2017, the director will submit to EPA allowances for TR NO_x Annual units for the control periods in 2019 and 2020;

C. By June 1, 2018, the director will submit to EPA allowances for TR NO_x Annual units for the control periods in 2021 and 2022; and

D. By June 1, 2019, and June 1 of each year thereafter, the

director will submit to EPA allowances for TR NO_x Annual units for the control periods in the fourth year after the year in which the submittal is made.

2. Non-Operating Units. If a unit in Table I of this rule does not operate during two (2) consecutive control periods after 2014, the submittal made under paragraph (3)(A)1. of this rule will show zero (0) TR Annual NO_x allowances for such unit for the control period in the fifth year after these two (2) such years and in each year after that fifth year. All TR NO_x Annual allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the state for the respective years involved. If this subsection is applicable, any resulting changes to the submittal under paragraph (3)(A)1. of this rule will be determined in accordance with the following:

A. Every year, the director will review the operation of each unit listed in Table I and issue a notification that lists any unit in Table I that has not operated during two (2) consecutive control periods after 2014. Any notification made under this subparagraph will specify the first year in which allowances listed in Table I will be terminated for the applicable unit(s) under paragraph (3)(A)2. of this rule;

B. For each notification required in subparagraph (3)(A)2.A. of this rule, the director will provide an opportunity for submission of objections to the units referenced in such notice that must be submitted by the deadline specified in such notification in order to be considered; and

C. If there are objections, the director will review them and issue a notification responding to objections received along with any adjustments made to the list.

Table I

Source Name	Source ID	Unit ID	TR NO _x Annual unit allowances (tons) for 2017 and thereafter
Asbury	2076	1	884
Audrain Power Plant	55234	CT1	2
Audrain Power Plant	55234	CT2	2
Audrain Power Plant	55234	CT3	2
Audrain Power Plant	55234	CT4	2
Audrain Power Plant	55234	CT5	1
Audrain Power Plant	55234	CT6	1
Audrain Power Plant	55234	CT7	1
Audrain Power Plant	55234	CT8	1
Blue Valley	2132	3	126
Chamois Power Plant	2169	2	248
Chillicothe	2122	GT1A	2
Chillicothe	2122	GT1B	0
Chillicothe	2122	GT2A	0
Chillicothe	2122	GT2B	0
Columbia	2123	6	22
Columbia	2123	7	60
Columbia	2123	8	0
Columbia Energy Center (MO)	55447	CT01	1
Columbia Energy Center (MO)	55447	CT02	2
Columbia Energy Center (MO)	55447	CT03	1
Columbia Energy Center (MO)	55447	CT04	1
Dogwood Energy Facility	55178	CT-1	33
Dogwood Energy Facility	55178	CT-2	30
Empire District Elec Co Energy Ctr	6223	1	1
Empire District Elec Co Energy Ctr	6223	2	2
Empire District Elec Co Energy Ctr	6223	3A	11
Empire District Elec Co Energy Ctr	6223	3B	11
Empire District Elec Co Energy Ctr	6223	4A	12
Empire District Elec Co Energy Ctr	6223	4B	12
Essex Power Plant	7749	1	8
Fairgrounds	2082	CT01	0
Greenwood Energy Center	6074	1	6

Greenwood Energy Center	6074	2	4
Greenwood Energy Center	6074	3	6
Greenwood Energy Center	6074	4	8
Hawthorn	2079	5A	2,445
Hawthorn	2079	6	1
Hawthorn	2079	7	7
Hawthorn	2079	8	8
Hawthorn	2079	9	21
Higginsville Municipal Power Plant	2131	4A	2
Higginsville Municipal Power Plant	2131	4B	0
Holden Power Plant	7848	1	5
Holden Power Plant	7848	2	6
Holden Power Plant	7848	3	5
Howard Bend	2102	CT1A	0
Howard Bend	2102	CT1B	0
Iatan	6065	1	3,094
James River	2161	GT1	7
James River	2161	GT2	13
James River	2161	3	207
James River	2161	4	235
James River	2161	5	435
John Twitty Energy Center	6195	1	801
John Twitty Energy Center	6195	CT1A	1
John Twitty Energy Center	6195	CT1B	1
John Twitty Energy Center	6195	CT2A	1
John Twitty Energy Center	6195	CT2B	1
Labadie	2103	1	2,321
Labadie	2103	2	2,495
Labadie	2103	3	2,677
Labadie	2103	4	2,613
Lake Road	2098	6	414
Lake Road	2098	GT5	2
McCartney Generating Station	7903	MGS1A	10
McCartney Generating Station	7903	MGS1B	10
McCartney Generating Station	7903	MGS2A	10
McCartney Generating Station	7903	MGS2B	10
Meramec	2104	1	646
Meramec	2104	2	609
Meramec	2104	3	1,075
Meramec	2104	4	1,499
Meramec	2104	CT01	0
Meramec	2104	CT2A	0
Meramec	2104	CT2B	0

Mexico	6650	CT01	0
Moberly	6651	CT01	0
Montrose	2080	1	725
Montrose	2080	2	710
Montrose	2080	3	746
Moreau	6652	CT01	0
New Madrid Power Plant	2167	1	2,276
New Madrid Power Plant	2167	2	2,172
Nodaway Power Plant	7754	1	4
Nodaway Power Plant	7754	2	5
Northeast Generating Station	2081	11	0
Northeast Generating Station	2081	12	0
Northeast Generating Station	2081	13	0
Northeast Generating Station	2081	14	0
Northeast Generating Station	2081	15	0
Northeast Generating Station	2081	16	0
Northeast Generating Station	2081	17	1
Northeast Generating Station	2081	18	1
Peno Creek Energy Center	7964	CT1A	11
Peno Creek Energy Center	7964	CT1B	10
Peno Creek Energy Center	7964	CT2A	10
Peno Creek Energy Center	7964	CT2B	9
Peno Creek Energy Center	7964	CT3A	11
Peno Creek Energy Center	7964	CT3B	11
Peno Creek Energy Center	7964	CT4A	10
Peno Creek Energy Center	7964	CT4B	10
Ralph Green Station	2092	3	1
Rush Island	6155	1	2,086
Rush Island	6155	2	2,106
Sibley	2094	1	222
Sibley	2094	2	219
Sibley	2094	3	1,400
Sikeston	6768	1	1,268
Sioux	2107	1	1,874
Sioux	2107	2	1,690
South Harper Peaking Facility	56151	1	15
South Harper Peaking Facility	56151	2	19
South Harper Peaking Facility	56151	3	23
St. Francis Power Plant	7604	1	31
St. Francis Power Plant	7604	2	29
State Line (MO)	7296	1	8
State Line (MO)	7296	2-1	57
State Line (MO)	7296	2-2	59

Thomas Hill Energy Center	2168	MB1	829
Thomas Hill Energy Center	2168	MB2	1,296
Thomas Hill Energy Center	2168	MB3	2,674
Viaduct	2096	CT01	0
Total			45,818

Note: Being included or excluded on the list of sources in Table I does not constitute a determination that such source is or is not a TR NO_x Annual unit. The determination of applicability for TR NO_x Annual units is in 40 CFR 97.404.

(B) New Units.

1. Annual Submittal. For the TR NO_x Annual control period in 2017 and each control period thereafter, the director must submit to EPA in a format prescribed by the administrator the TR NO_x Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New Unit Set-Asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR NO_x Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If an entity wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the entity must submit information to the director confirming that a TR NO_x Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the

submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the entity that made the submission. If additional information is requested, the entity must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.406(b)(2) and 40 CFR 97.430 through 40 CFR 97.435. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Annual units in Missouri, the director will allocate TR NO_x Annual allowances to the TR NO_x Annual units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Annual allowances will be allocated to the following TR NO_x Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Annual units whose allocation of an amount of TR NO_x Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

(III) TR NO_x Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Annual units under 40 CFR 97.411(c)(1)(ii) whose allocation of an amount of TR NO_x Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Annual allowances in an amount equal to the difference between the Missouri TR NO_x Annual trading budget for 2017 and thereafter, as set forth in 40 CFR 97.410(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.411(c)(5);

C. Eligible Control Periods. The director will determine, for each TR NO_x Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Annual allowances for the later of the following control periods and for each subsequent control period:

- (I) The control period in 2017;
- (II) The first control period after the control period in which the TR NO_x Annual unit commences commercial operation;
- (III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Annual allowances determined for all such TR NO_x Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.B. of this rule, the submitting entity may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the entity fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Annual allowances for a specific control period for TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{ER \times NP_{Cap} \times CP_{Tot}}{CF} \times \frac{1}{1000000}$$

Where:

- EA = eligible TR NO_x Annual allowances
- ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)
- HR = the heat rate efficiency for the generator that the unit serves (BTU/KW-hr)
- NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)
- CP_{Tot} = number of days in the control period
- CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such

control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Annual allowances as calculated under part (3)(B)3.1.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.1.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.1.(V) of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under part (3)(B)3.1.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.1.(V) of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under part (3)(B)3.1.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.1.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.1. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Annual unit that is in the state, is allocated an amount of TR NO_x Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Annual allowances equal to the following: the total amount of such remaining unallocated TR NO_x Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.1.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.1.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.1.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.1.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.1.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.1.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(4) Reporting and Record Keeping. The director shall maintain TR NO_x Annual unit allowance records submitted to EPA for each TR NO_x Annual control period for a minimum of five (5) years.

(5) Test Methods. *(Not Applicable)*.

AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed May 15, 2015.

PUBLIC COST: This proposed rule will cost public entities twenty-nine thousand six hundred dollars (\$29,600) over the life of the rule. The cost for fiscal year 2018 is estimated to be two thousand nine hundred sixty dollars (\$2,960). Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities twenty-nine thousand six hundred dollars (\$29,600) over the life of the rule. The cost for fiscal year 2018 is estimated to be two thousand nine hundred sixty dollars (\$2,960). Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 1:30 p.m., August 3, 2015. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., August 10, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO _x Trading Allowance Allocations
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
24 Publicly Owned Electric Generating Units	\$ 29,600

III. WORKSHEET

Fiscal Year	Cost of Allowances Lost
FY2017 (6 months)	\$ 0
FY2018	\$ 2,960
FY2019	\$ 2,960
FY2020	\$ 2,960
FY2021	\$ 2,960
FY2022	\$ 2,960
FY2023	\$ 2,960
FY2024	\$ 2,960
FY2025	\$ 2,960
FY2026	\$ 2,960
FY2027 (6 months)	\$ 2,960
Aggregate	\$ 29,600

One ton of Annual NO_x emitted = 1 Annual NO_x Allowance.

Allowance cost = \$740 per ton Annual NO_x emitted.

Number of Allowances lost in allowance redistribution each year (starting in FY 2018) = 4 tons.

Total Allowance Cost Lost per year = \$740/ton x 4 tons Annual NO_x = \$2,960.
Aggregate Allowance Cost Lost = 10 years x \$2,960/year = \$29,600.

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten (10) years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The cost estimate is based on re-allocating a total of four (4) annual NO_x allowances. Since the U.S. Environmental Protection (EPA) will make up for the use of these four (4) allowances by removing allowances from either existing Public or existing Privately owned units (depending on prior year annual emissions from new units), it is unknown how many annual NO_x allowances will be lost to Publicly owned units. The worst case scenario of losing four (4) annual NO_x allowances was used in this cost estimate.
3. The allowance cost estimate is based on the NO_x Annual spot price from Air and Liquid Advisors webpage accessed December 2, 2014 where the rule cost threshold for NO_x was determined to be seven hundred forty dollars (\$740) per ton.
4. It is estimated that no new additional state staff will be required to perform tasks associated with this rulemaking as these tasks will be performed by current staff.
5. EPA allowance redistributions are required no later than August 1 of the compliance year. The redistribution costs in this estimate are assumed to occur between June 30 and August 1 of the compliance year.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO _x Trading Allowance Allocations
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
95 Privately Owned Electric Generating Units	Utility Boilers	\$ 29,600

III. WORKSHEET

Fiscal Year	Cost of Allowances Lost
FY2017 (6 months)	\$ 0
FY2018	\$ 2,960
FY2019	\$ 2,960
FY2020	\$ 2,960
FY2021	\$ 2,960
FY2022	\$ 2,960
FY2023	\$ 2,960
FY2024	\$ 2,960
FY2025	\$ 2,960
FY2026	\$ 2,960
FY2027 (6 months)	\$ 2,960
Aggregate	\$ 29,600

One ton of Annual NO_x emitted = 1 Annual NO_x Allowance.

Allowance cost = \$740 per ton Annual NO_x emitted.

Number of Allowances lost in allowance redistribution each year (starting in FY 2018) = 4 tons.

Total Allowance Cost Lost per year = \$740/ton x 4 tons Annual NO_x = \$2,960.

Aggregate Allowance Cost Lost = 10 years x \$2,960/year = \$29,600.

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten (10) years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The cost estimate is based on re-allocating a total of four (4) annual NO_x allowances. Since the U.S. Environmental Protection (EPA) will make up for the use of these four (4) allowances by removing allowances from either existing Public or existing Privately owned units (depending on prior year annual emissions from new units), it is unknown how many annual NO_x allowances will be lost to Privately owned units. The worst case scenario of losing four (4) annual NO_x allowances was used in this cost estimate.
3. The allowance cost estimate is based on the NO_x Annual spot price from Air and Liquid Advisors webpage accessed December 2, 2014 where the rule cost threshold for NO_x was determined to be seven hundred forty dollars (\$740) per ton.
4. EPA allowance redistributions are required no later than August 1 of the compliance year. The redistribution costs in this estimate are assumed to occur between June 30 and August 1 of the compliance year.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED RULE

10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations. If the commission adopts this rule action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: The purpose of this rule is to change the method of real-locating the ozone season nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) ozone season NO_x regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to all Transport Rule (TR) nitrogen oxides (NO_x) Ozone Season units located in the state of Missouri.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.502 and 97.503 promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) Notification—Any action by the director to convey information to affected sources and interested parties. This includes, but is not limited to, public web postings with email alerts.

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.511(a), 40 CFR 97.511(b)(1) and 40 CFR 97.512(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(A) Existing Units.

1. Annual Submittal. The director must submit to the U.S. Environmental Protection Agency (EPA) in a format prescribed by the administrator the TR NO_x Ozone Season allowances listed in Table I taking into account any modifications necessary in accordance with paragraph (3)(A)2. of this rule. This submittal must meet the follow-

ing schedule:

A. By June 1, 2016, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2017 and 2018;

B. By June 1, 2017, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2019 and 2020;

C. By June 1, 2018, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2021 and 2022; and

D. By June 1, 2019, and June 1 of each year thereafter, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in the fourth year after the year in which the submission is made.

2. Non-operating Units. If a unit in Table I of this rule does not operate during two (2) consecutive control periods after 2014, the submittal made under paragraph (3)(A)1. of this rule will show zero (0) TR Ozone Season NO_x allowances for such unit for the control period in the fifth year after these two (2) such years and in each year after that fifth year. All TR NO_x Ozone Season allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the state for the respective years involved. If this subsection is applicable, any resulting changes to the submittal under paragraph (3)(A)1. of this rule will be determined in accordance with the following:

A. Every year, the director will review the operation of each unit listed in Table I and issue a notification that lists any unit in Table I that has not operated during two (2) consecutive control periods after 2014. Any notification made under this subparagraph will specify the first year in which allowances listed in Table I will be terminated for the applicable unit(s) under paragraph (3)(A)2. of this rule;

B. For each notification required in subparagraph (3)(A)2.A. of this rule, the director will provide an opportunity for submission of objections to the units referenced in such notice that must be submitted by the deadline specified in such notification in order to be considered; and

C. If there are objections, the director will review them and issue a notification responding to objections received along with any adjustments made to the list.

Table I

Source Name	Source ID	Unit ID	TR NO _x Ozone Season unit allowances (tons) for 2017 and thereafter
Asbury	2076	1	394
Audrain Power Plant	55234	CT1	1
Audrain Power Plant	55234	CT2	1
Audrain Power Plant	55234	CT3	1
Audrain Power Plant	55234	CT4	1
Audrain Power Plant	55234	CT5	1
Audrain Power Plant	55234	CT6	1
Audrain Power Plant	55234	CT7	1
Audrain Power Plant	55234	CT8	1
Blue Valley	2132	3	65
Chamois Power Plant	2169	2	101
Chillicothe	2122	GT1A	1
Chillicothe	2122	GT1B	0
Chillicothe	2122	GT2A	0
Chillicothe	2122	GT2B	0
Columbia	2123	6	18
Columbia	2123	7	26
Columbia	2123	8	0
Columbia Energy Center (MO)	55447	CT01	1
Columbia Energy Center (MO)	55447	CT02	1
Columbia Energy Center (MO)	55447	CT03	1
Columbia Energy Center (MO)	55447	CT04	0
Dogwood Energy Facility	55178	CT-1	23
Dogwood Energy Facility	55178	CT-2	18
Empire District Elec Co Energy Ctr	6223	1	1
Empire District Elec Co Energy Ctr	6223	2	1
Empire District Elec Co Energy Ctr	6223	3A	6
Empire District Elec Co Energy Ctr	6223	3B	6
Empire District Elec Co Energy Ctr	6223	4A	6

Empire District Elec Co Energy Ctr	6223	4B	6
Essex Power Plant	7749	1	7
Fairgrounds	2082	CT01	0
Greenwood Energy Center	6074	1	2
Greenwood Energy Center	6074	2	2
Greenwood Energy Center	6074	3	3
Greenwood Energy Center	6074	4	3
Hawthorn	2079	5A	1,082
Hawthorn	2079	6	1
Hawthorn	2079	7	6
Hawthorn	2079	8	7
Hawthorn	2079	9	21
Higginsville Municipal Power Plant	2131	4A	1
Higginsville Municipal Power Plant	2131	4B	0
Holden Power Plant	7848	1	3
Holden Power Plant	7848	2	4
Holden Power Plant	7848	3	3
Howard Bend	2102	CT1A	0
Howard Bend	2102	CT1B	0
Iatan	6065	1	1,374
James River	2161	GT1	6
James River	2161	GT2	12
James River	2161	3	87
James River	2161	4	102
James River	2161	5	186
John Twitty Energy Center	6195	1	351
John Twitty Energy Center	6195	CT1A	1
John Twitty Energy Center	6195	CT1B	1
John Twitty Energy Center	6195	CT2A	1
John Twitty Energy Center	6195	CT2B	1
Labadie	2103	1	986
Labadie	2103	2	1,038
Labadie	2103	3	1,115
Labadie	2103	4	1,100
Lake Road	2098	6	178
Lake Road	2098	GT5	1
McCartney Generating Station	7903	MGS1A	9

McCartney Generating Station	7903	MGS1B	9
McCartney Generating Station	7903	MGS2A	8
McCartney Generating Station	7903	MGS2B	8
Meramec	2104	1	255
Meramec	2104	2	250
Meramec	2104	3	483
Meramec	2104	4	632
Meramec	2104	CT01	0
Meramec	2104	CT2A	0
Meramec	2104	CT2B	0
Mexico	6650	CT01	0
Moberly	6651	CT01	0
Montrose	2080	1	311
Montrose	2080	2	295
Montrose	2080	3	307
Moreau	6652	CT01	0
New Madrid Power Plant	2167	1	989
New Madrid Power Plant	2167	2	994
Nodaway Power Plant	7754	1	4
Nodaway Power Plant	7754	2	5
Northeast Generating Station	2081	11	0
Northeast Generating Station	2081	12	0
Northeast Generating Station	2081	13	0
Northeast Generating Station	2081	14	0
Northeast Generating Station	2081	15	0
Northeast Generating Station	2081	16	0
Northeast Generating Station	2081	17	0
Northeast Generating Station	2081	18	0
Peno Creek Energy Center	7964	CT1A	8
Peno Creek Energy Center	7964	CT1B	7
Peno Creek Energy Center	7964	CT2A	7
Peno Creek Energy Center	7964	CT2B	6
Peno Creek Energy Center	7964	CT3A	7
Peno Creek Energy Center	7964	CT3B	8
Peno Creek Energy Center	7964	CT4A	8
Peno Creek Energy Center	7964	CT4B	8
Ralph Green Station	2092	3	1

Rush Island	6155	1	885
Rush Island	6155	2	916
Sibley	2094	1	91
Sibley	2094	2	94
Sibley	2094	3	611
Sikeston	6768	1	548
Sioux	2107	1	773
Sioux	2107	2	690
South Harper Peaking Facility	56151	1	12
South Harper Peaking Facility	56151	2	16
South Harper Peaking Facility	56151	3	20
St. Francis Power Plant	7604	1	19
St. Francis Power Plant	7604	2	18
State Line (MO)	7296	1	5
State Line (MO)	7296	2-1	28
State Line (MO)	7296	2-2	29
Thomas Hill Energy Center	2168	MB1	366
Thomas Hill Energy Center	2168	MB2	557
Thomas Hill Energy Center	2168	MB3	1,166
Viaduct	2096	CT01	0
Total			19,830

Note: Being included or excluded on the list of sources in Table I does not constitute a determination that such source is or is not a TR NO_x Ozone Season unit. The determination of applicability for TR NO_x Ozone Season units is in 40 CFR 97.504.

(B) New Units.

1. Annual Submittal. For the TR NO_x Ozone Season control period in 2017 and each control period thereafter, the director must submit to EPA in a format prescribed by the administrator the TR NO_x Ozone Season allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period contains TR NO_x Ozone Season allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed,

then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If any entity wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the entity must submit information to the director confirming that a TR NO_x Ozone Season unit commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Ozone Season unit that commenced operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of

the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the reviews, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with the paragraph, the director may request additional information from the entity that made the submission. If additional information is requested, the entity must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.506(b)(2) and 40 CFR 97.530 through 40 CFR 97.535. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Ozone Season allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Ozone Season allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Ozone Season Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Ozone Season units in Missouri, the director will allocate TR NO_x Ozone Season allowances to the TR NO_x Ozone Season units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Ozone Season allowances will be allocated to the following TR NO_x Ozone Season units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Ozone Season units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Ozone Season units whose allocation of an amount of TR NO_x Ozone Season allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

(III) TR NO_x Ozone Season units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Ozone Season units under 40 CFR 97.511(c)(1)(ii) whose allocation of an amount of TR NO_x Ozone Season allowances for such control period under subparagraph (3)(B)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Ozone Season allowances in an amount equal to the difference between the Missouri TR NO_x Ozone Season trading budget for 2017 and thereafter, as set forth in 40 CFR 97.510(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Ozone Season allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.511(c)(5);

C. Eligible Control Periods. The director will determine, for

each TR NO_x Ozone Season unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Ozone Season allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR NO_x Ozone Season unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Ozone Season unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Ozone Season allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Ozone Season unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Ozone Season allowances determined for all such TR NO_x Ozone Season units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Ozone Season allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities, as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Ozone Season allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.B. of this rule, the submitting entity may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the entity fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit

in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Ozone Season allowances for a specific control period for TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$\frac{EA}{ER} = \frac{NP_{Cap}}{HR} \times \frac{CF}{CP_{Tdt}}$$

Where:

- EA = eligible TR NO_x Ozone Season Allowances
- ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)
- HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)
- NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)
- CP_{Tdt} = number of days in the control period
- CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Ozone Season allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Ozone Season unit that is in the state, is allocated an amount of TR NO_x Ozone Season allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Ozone Season allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Ozone Season allowances equal to the following: the total amount of such remaining unallocated TR NO_x Ozone Season allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Ozone Season trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Ozone Season allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule

and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Ozone Season allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(4) Reporting and Record Keeping. The director shall maintain TR NO_x Ozone Season unit allowance records submitted to EPA for each TR NO_x Ozone Season control period for a minimum of five (5) years.

(5) Test Methods. *(Not Applicable).*

AUTHORITY: section 643.050, RSMo Supp. 2013. Original rule filed May 15, 2015.

PUBLIC COST: This proposed rule will cost public entities two thousand five hundred dollars (\$2,500) over the life of the rule. The cost for fiscal year 2018 is estimated to be two hundred fifty dollars (\$250). Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost private entities two thousand five hundred dollars (\$2,500) over the life of the rule. The cost for fiscal year 2018 is estimated to be two hundred fifty dollars (\$250). Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 1:30 p.m., August 3, 2015. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., August 10, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 10 – Department of Natural Resources
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Name:	10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO _x Trading Allowance Allocations
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
24 Publicly Owned Electric Generating Units	\$ 2,500

III. WORKSHEET

Fiscal Year	Cost of Allowances Lost
FY2017 (6 months)	\$ 0
FY2018	\$ 250
FY2019	\$ 250
FY2020	\$ 250
FY2021	\$ 250
FY2022	\$ 250
FY2023	\$ 250
FY2024	\$ 250
FY2025	\$ 250
FY2026	\$ 250
FY2027 (6 months)	\$ 250
Aggregate	\$ 2,500

One ton of Ozone Season NO_x emitted = 1 Ozone Season NO_x Allowance.
Allowance cost = \$125 per ton Ozone Season NO_x emitted.

Number of Allowances lost in allowance redistribution each year (starting in FY 2018) = 2 ton.

Total Allowance Cost Lost per year = \$125/ton x 2 tons Ozone Season NO_x = \$250.

Aggregate Allowance Cost Lost = 10 years x \$250/year = \$2,500.

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten (10) years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The cost estimate is based on re-allocating a total of two (2) ozone season NO_x allowances. Since the U.S. Environmental Protection (EPA) will make up for the use of these two (2) allowances by removing allowances from either existing Public or existing Privately owned units (depending on prior year ozone season emissions from new units), it is unknown how many ozone season NO_x allowances will be lost to Publicly owned units. The worst case scenario of losing two (2) ozone season NO_x allowances was used in this cost estimate.
3. The allowance cost estimate is based on the NO_x Ozone Season spot price from Air and Liquid Advisors webpage accessed December 2, 2014 where the rule cost threshold for NO_x was determined to be one hundred twenty-five dollars (\$125) per ton.
4. It is estimated that no new additional state staff will be required to perform tasks associated with this rulemaking as these tasks will be performed by current staff.
5. EPA allowance redistributions are required no later than August 1 of the compliance year. The redistribution costs in this estimate are assumed to occur between June 30 and August 1 of the compliance year.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 10 – Department of Natural Resources**
Division Title: 10 – Air Conservation Commission
Chapter Title: 6 – Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Rule Number and Title:	10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO _x Trading Allowance Allocations
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
95 Privately Owned Electric Generating Units	Utility Boilers	\$ 2,500

III. WORKSHEET

Fiscal Year	Cost of Allowances Lost
FY2017 (6 months)	\$ 0
FY2018	\$ 250
FY2019	\$ 250
FY2020	\$ 250
FY2021	\$ 250
FY2022	\$ 250
FY2023	\$ 250
FY2024	\$ 250
FY2025	\$ 250
FY2026	\$ 250
FY2027 (6 months)	\$ 250
Aggregate	\$ 2,500

One ton of Ozone Season NO_x emitted = 1 Ozone Season NO_x Allowance.

Allowance cost = \$125 per ton Ozone Season NO_x emitted.

Number of Allowances lost in allowance redistribution each year (starting in FY 2018) = 2 tons.

Total Allowance Cost Lost per year = \$125/ton x 2 tons Ozone Season NO_x = \$250.

Aggregate Allowance Cost Lost = 10 years x \$250/year = \$2,500.

IV. ASSUMPTIONS

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten (10) years, the annual costs for the additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The cost estimate is based on re-allocating a total of two (2) ozone season NO_x allowances. Since the U.S. Environmental Protection (EPA) will make up for the use of these two (2) allowances by removing allowances from either existing Public or existing Privately owned units (depending on prior year ozone season emissions from new units), it is unknown how many ozone season NO_x allowances will be lost to Privately owned units. The worst case scenario of losing two (2) ozone season NO_x allowances was used in this cost estimate.
3. The allowance cost estimate is based on the NO_x Ozone Season spot price from Air and Liquid Advisors webpage accessed December 2, 2014 where the rule cost threshold for NO_x was determined to be one hundred twenty-five dollars (\$125) per ton.
4. EPA allowance redistributions are required no later than August 1 of the compliance year. The redistribution costs in this estimate are assumed to occur between June 30 and August 1 of the compliance year.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED RULE

10 CSR 10-6.376 Cross-State Air Pollution Rule Annual SO₂ Allowance Trading Allocations. If the commission adopts this rule action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: The purpose of this rule is to reallocate annual sulfur dioxide (SO₂) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual SO₂ regional emission reduction program as established in the Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a November 7, 2011 email with agreement between Empire District Electric Co. (Empire) and Kansas City Power and Light (KCP&L) and November 26, 2014 and March 24, 2015 meeting conference call notes.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule shall apply to all Transport Rule (TR) sulfur dioxide (SO₂) Annual Group 1 units located in the state of Missouri.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.602 and 97.603 promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) Notification—Any action by the director to convey information to affected sources and interested parties. This includes, but is not limited to, public web postings with email alerts.

(C) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.611(a), 40 CFR 97.611(b)(1) and 40 CFR 97.612(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(A) Existing Units.

1. Annual Submittal. The director must submit to the U.S. Environmental Protection Agency (EPA) in a format prescribed by the administrator the TR SO₂ Annual allowances listed in Table I taking

into account any modifications necessary in accordance with paragraph (3)(A)2. of this rule. This submittal must meet the following schedule:

A. By June 1, 2016, the director will submit to EPA allowances for TR SO₂ Annual units for the control periods in 2017 and 2018;

B. By June 1, 2017, the director will submit to EPA allowances for TR SO₂ Annual units for the control periods in 2019 and 2020;

C. By June 1, 2018, the director will submit to EPA allowances for TR SO₂ Annual units for the control periods in 2021 and 2022; and

D. By June 1, 2019, and June 1 of each year thereafter, the director will submit to EPA allowances for TR SO₂ Annual units for the control periods in the fourth year after the year in which the submission is made.

2. Non-operating Units. If a unit in Table I of this rule does not operate during two (2) consecutive control periods after 2014, the submittal made under paragraph (3)(A)1. of this rule will show zero (0) TR Annual SO₂ allowances for such unit for the control period in the fifth year after these two (2) such years and in each year after that fifth year. All TR SO₂ Annual allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the state for the respective years involved. If this subsection is applicable, any resulting changes to the submittal under paragraph (3)(A)1. of this rule will be determined in accordance with the following:

A. Every year, the director will review the operation of each unit listed in Table I and issue a notification that lists any unit in Table I that has not operated during two (2) consecutive control periods after 2014. Any notification made under this subparagraph will specify the first year in which allowances listed in Table I will be terminated for the applicable unit(s) under paragraph (3)(A)2. of this rule;

B. For each notification required in subparagraph (3)(A)2.A. of this rule, the director will provide an opportunity for submission of objections to the units referenced in such notice that must be submitted by the deadline specified in such notification in order to be considered; and

C. If there are objections, the director will review them and issue a notification responding to objections received along with any adjustments made to the list.

Table I

Source Name	Source ID	Unit ID	TR SO ₂ Group 1 unit allowances (tons) for 2017 and thereafter
Asbury	2076	1	4,480
Audrain Power Plant	55234	CT1	0
Audrain Power Plant	55234	CT2	0
Audrain Power Plant	55234	CT3	0
Audrain Power Plant	55234	CT4	0
Audrain Power Plant	55234	CT5	0
Audrain Power Plant	55234	CT6	0
Audrain Power Plant	55234	CT7	0
Audrain Power Plant	55234	CT8	0
Blue Valley	2132	3	452
Chamois Power Plant	2169	2	893
Chillicothe	2122	GT1A	0
Chillicothe	2122	GT1B	0
Chillicothe	2122	GT2A	1
Chillicothe	2122	GT2B	0
Columbia	2123	6	78
Columbia	2123	7	215
Columbia	2123	8	0
Columbia Energy Center (MO)	55447	CT01	0
Columbia Energy Center (MO)	55447	CT02	0
Columbia Energy Center (MO)	55447	CT03	0
Columbia Energy Center (MO)	55447	CT04	0
Dogwood Energy Facility	55178	CT-1	1
Dogwood Energy Facility	55178	CT-2	1
Empire District Elec Co Energy Ctr	6223	1	0
Empire District Elec Co Energy Ctr	6223	2	0
Empire District Elec Co Energy Ctr	6223	3A	1
Empire District Elec Co Energy Ctr	6223	3B	1
Empire District Elec Co Energy Ctr	6223	4A	1
Empire District Elec Co Energy Ctr	6223	4B	1
Essex Power Plant	7749	1	0
Fairgrounds	2082	CT01	1
Greenwood Energy Center	6074	1	1

Greenwood Energy Center	6074	2	0
Greenwood Energy Center	6074	3	0
Greenwood Energy Center	6074	4	1
Hawthorn	2079	5A	2,643
Hawthorn	2079	6	0
Hawthorn	2079	7	0
Hawthorn	2079	8	0
Hawthorn	2079	9	1
Higginsville Municipal Power Plant	2131	4A	0
Higginsville Municipal Power Plant	2131	4B	0
Holden Power Plant	7848	1	0
Holden Power Plant	7848	2	1
Holden Power Plant	7848	3	0
Howard Bend	2102	CT1A	1
Howard Bend	2102	CT1B	1
Iatan	6065	1	9,833
James River	2161	GT1	0
James River	2161	GT2	0
James River	2161	3	747
James River	2161	4	847
James River	2161	5	1,566
John Twitty Energy Center	6195	1	2,883
John Twitty Energy Center	6195	CT1A	0
John Twitty Energy Center	6195	CT1B	0
John Twitty Energy Center	6195	CT2A	0
John Twitty Energy Center	6195	CT2B	0
Labadie	2103	1	9,056
Labadie	2103	2	9,265
Labadie	2103	3	9,633
Labadie	2103	4	9,929
Lake Road	2098	6	1,490
Lake Road	2098	GT5	2
McCartney Generating Station	7903	MGS1A	0
McCartney Generating Station	7903	MGS1B	0
McCartney Generating Station	7903	MGS2A	0
McCartney Generating Station	7903	MGS2B	0
Meramec	2104	1	2,326
Meramec	2104	2	2,192
Meramec	2104	3	3,869
Meramec	2104	4	5,394
Meramec	2104	CT01	1
Meramec	2104	CT2A	0

Meramec	2104	CT2B	0
Mexico	6650	CT01	1
Moberly	6651	CT01	2
Montrose	2080	1	2,608
Montrose	2080	2	2,555
Montrose	2080	3	2,684
Moreau	6652	CT01	1
New Madrid Power Plant	2167	1	8,190
New Madrid Power Plant	2167	2	7,628
Nodaway Power Plant	7754	1	0
Nodaway Power Plant	7754	2	0
Northeast Generating Station	2081	11	0
Northeast Generating Station	2081	12	0
Northeast Generating Station	2081	13	0
Northeast Generating Station	2081	14	0
Northeast Generating Station	2081	15	0
Northeast Generating Station	2081	16	0
Northeast Generating Station	2081	17	1
Northeast Generating Station	2081	18	0
Peno Creek Energy Center	7964	CT1A	0
Peno Creek Energy Center	7964	CT1B	0
Peno Creek Energy Center	7964	CT2A	0
Peno Creek Energy Center	7964	CT2B	0
Peno Creek Energy Center	7964	CT3A	0
Peno Creek Energy Center	7964	CT3B	0
Peno Creek Energy Center	7964	CT4A	0
Peno Creek Energy Center	7964	CT4B	0
Ralph Green Station	2092	3	0
Rush Island	6155	1	9,492
Rush Island	6155	2	8,700
Sibley	2094	1	799
Sibley	2094	2	788
Sibley	2094	3	5,037
Sikeston	6768	1	4,564
Sioux	2107	1	6,743
Sioux	2107	2	6,083
South Harper Peaking Facility	56151	1	0
South Harper Peaking Facility	56151	2	0
South Harper Peaking Facility	56151	3	0
St. Francis Power Plant	7604	1	1
St. Francis Power Plant	7604	2	1
State Line (MO)	7296	1	0
State Line (MO)	7296	2-1	2

State Line (MO)	7296	2-2	3
Thomas Hill Energy Center	2168	MB1	2,982
Thomas Hill Energy Center	2168	MB2	4,665
Thomas Hill Energy Center	2168	MB3	9,621
Viaduct	2096	CT01	0
Total			160,959

Note: Being included or excluded on the list of sources in Table I does not constitute a determination that such source is or is not a TR SO₂ Annual unit. The determination of applicability for TR SO₂ Annual units is in 40 CFR 97.604.

(B) New Units.

1. Annual Submittal. For the TR SO₂ Annual control period in 2017 and each control period thereafter, the director must submit to EPA in a format prescribed by the administrator the TR SO₂ Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR SO₂ Annual allowance allocation to each TR SO₂ Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR SO₂ Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If an entity wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the entity must submit information to the director confirming that a TR SO₂ Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR SO₂ Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR SO₂ Annual units that commenced commercial operation during the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for

eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the entity that made the submission. If additional information is requested, the entity must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR SO₂ Annual allowance allocation to each TR SO₂ Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.606(b)(2) and 40 CFR 97.630 through 40 CFR 97.635. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR SO₂ Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR SO₂ Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR SO₂ Annual units in Missouri, the director will allocate TR SO₂ Annual allowances to the TR SO₂ Annual units as follows:

A. Units Eligible to Receive Allowances. The TR SO₂ Annual allowances will be allocated to the following TR SO₂ Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR SO₂ Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR SO₂ Annual units whose allocation of an amount of TR SO₂ Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

(III) TR SO₂ Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately

preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR SO₂ Annual units under 40 CFR 97.611(c)(1)(ii) whose allocation of an amount of TR SO₂ Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR SO₂ Annual allowances in an amount equal to the difference between the Missouri TR SO₂ Annual trading budget for 2017 and thereafter, as set forth in 40 CFR 97.610(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR SO₂ Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.611(c)(5);

C. Eligible Control Periods. The director will determine, for each TR SO₂ Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR SO₂ Annual allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR SO₂ Annual unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR SO₂ Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR SO₂ Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR SO₂ Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of SO₂ emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR SO₂ Annual allowances determined for all such TR SO₂ Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR SO₂ Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR SO₂ Annual allowances determined for each such TR SO₂ Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR SO₂ Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR SO₂ Annual unit the amount of the TR SO₂ Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR SO₂ Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR SO₂ Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR SO₂ Annual unit eligible for such allocation.

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subpara-

graphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR SO₂ Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR SO₂ Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.B. of this rule, the submitting entity may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the entity fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR SO₂ Annual allowances for a specific control period for TR SO₂ Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$\frac{EA}{ER \times HR \times NP_{Cap} \times CP_{Tot} \times CF} \times 10^6$$

Where:

EA = eligible TR SO₂ Annual Allowances
ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)
HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)
NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)
CP_{Tot} = number of days in the control period
CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR

SO₂ Annual allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR SO₂ Annual allowances determined for each such TR SO₂ Annual unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR SO₂ Annual unit the amount of the TR SO₂ Annual allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR SO₂ Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR SO₂ Annual unit that is in the state, is allocated an amount of TR SO₂ Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR SO₂ Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR SO₂ Annual allowances equal to the following: the total amount of such remaining unallocated TR SO₂ Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state SO₂ Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR SO₂ Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR SO₂ Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR SO₂ Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR SO₂ Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs

(3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR SO₂ Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR SO₂ Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(4) Reporting and Record Keeping. The director shall maintain TR SO₂ Annual unit allowance records submitted to EPA for each TR SO₂ Annual control period for a minimum of five (5) years.

(5) Test Methods. (*Not Applicable*).

AUTHORITY section 643.050, RSMo Supp. 2013. Original rule filed May 15, 2015.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 1:30 p.m., August 3, 2015. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., August 10, 2015. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

~~COMMENT #1: Staff explained that the rule has been modified and moved to a new Chapter 28 in the commission's rules.~~

~~RESPONSE: The commission thanks staff for its comment and agrees the rule should be rescinded.~~

**~~Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 600—Office of Early and Extended Learning~~**

~~ORDER OF RULEMAKING~~

~~By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2014, and sections 178.691–178.699, RSMo 2000 and RSMo Supp. 2013, the board amends a rule as follows:~~

~~5 CSR 20-600.110 is amended.~~

~~A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2015 (40 MoReg 834). Those sections with changes are reprinted here; however, changes have been made in the incorporated by reference, *Early Childhood Development Act Administrative Manual*. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.~~

~~SUMMARY OF COMMENTS: The board received one (1) comment from one (1) individual regarding the proposed amendment and grammatical changes for consistency from the department staff.~~

~~COMMENT #1: Received one (1) comment from Colleen Ratcliff, Lamar School District, noted a duplication of the term "Affiliate Quality Assessment" in section 2.5.~~

~~RESPONSE AND EXPLANATION OF CHANGE: The Department of Elementary and Secondary Education (department) reviewed the comment and will amend subsection (1)(B) to reflect the revision date change and the incorporated by reference material, specifically section 2.5 using the terms "Parent Questionnaire" and "Affiliate Quality Assessment" once.~~

~~5 CSR 20-600.110 General Provisions Governing Programs Authorized Under the Early Childhood Development Act~~

~~(1) All programs and projects carried out by school districts under the Early Childhood Development Act (ECDA) shall be conducted in conformity with—~~

~~(B) The state *Early Childhood Development Act Administrative Manual*, revised August 2015, which is incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education (department) and is available at the Early Learning Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 or on the department's website. This rule does not incorporate any subsequent amendments or additions. The *Early Childhood Development Act Administrative Manual* interprets state statutory requirements for the programs and establishes program management procedures consistent with state law and practice.~~

**~~Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri~~**

~~ORDER OF RULEMAKING~~

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.372 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 753–764). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received four (4) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement for this rule should be revised to clarify that the methodologies for reallocating allowances are not being changed, but that the rule is simply reallocating allowances for use with EPA's Cross-State Air Pollution Rule (CSAPR) trading program. Additionally, EPA commented that the purpose statement be modified to more clearly state that this rule only reallocates allowances under the federal CSAPR program and that EPA will continue to administer the federal CSAPR program.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.402) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.402 and 40 CFR 97.403 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.411(a), 40 CFR 97.411(b)(1) and 40 CFR 97.412(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014 date be replaced with July 1, 2014, since that is the date of publication of the CFR.

RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.I.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.I.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

10 CSR 10-6.372 Cross-State Air Pollution Rule Annual NO_x Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate annual nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual NO_x regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes annual NO_x allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.402 and 40 CFR 97.403 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.411(a), 40 CFR 97.411(b)(1) and 40 CFR 97.412(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) New Units.

1. Annual Submittal. For the TR NO_x Annual control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR NO_x Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New Unit Set-Asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR NO_x Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR NO_x Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

dance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Annual allowance allocation to each TR NO_x Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.406(b)(2) and 40 CFR 97.430 through 40 CFR 97.435. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Annual units in Missouri, the director will allocate TR NO_x Annual allowances to the TR NO_x Annual units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Annual allowances will be allocated to the following TR NO_x Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Annual units whose allocation of an amount of TR NO_x Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

(III) TR NO_x Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Annual units under 40 CFR 97.411(c)(1)(ii) whose allocation of an amount of TR NO_x Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.411(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Annual allowances in an amount equal to the difference between the Missouri TR NO_x Annual trading budget for 2017 and thereafter, as set forth

in 40 CFR 97.410(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.411(c)(5);

C. Eligible Control Periods. The director will determine, for each TR NO_x Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Annual allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR NO_x Annual unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Annual allowances determined for all such TR NO_x Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the cal-

culatation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Annual allowances for a specific control period for TR NO_x Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{ER \times NP_{Cap} \times CP_{Tot} \times CF}{1000000}$$

Where:

EA = eligible TR NO_x Annual Allowances

ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)

HR = the heat rate efficiency for the generator that the unit serves (BTU/KW-hr)

NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)

CP_{Tot} = number of days in the control period

CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Annual allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR NO_x Annual allowances determined for each such TR NO_x Annual unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR NO_x Annual unit the amount of the TR NO_x Annual allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Annual unit that is in the state, is allocated an amount of TR NO_x Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Annual allowances equal to the following: the total amount of such remaining unallocated TR NO_x Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical

order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.374 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 765–776). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received five (5) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement for this rule should be revised to clarify that the methodologies for reallocating allowances are not being changed, but that the rule is simply reallocating allowances for use with EPA's Cross-State Air Pollution Rule (CSAPR) trading program. Additionally, EPA commented that the purpose statement be modified to more clearly state that this rule only reallocates allowances under the federal CSAPR program and that EPA will continue to administer the federal CSAPR program. RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C. and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.502) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity. RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.502 and 40 CFR 97.503 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.511(a), 40 CFR 97.511(b)(1) and 40 CFR 97.512(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014

date be replaced with July 1, 2014, since that is the date of publication of the CFR.

RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.1.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.1.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

COMMENT #5: EPA commented that the total at the end of Table 1 in paragraph (3)(A)2. should be 19,831 tons rather than 19,830 tons. EPA recommends that the department recalculate the total provided in the proposed rule to determine if it has been correctly calculated.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the total at the end of Table 1 has been updated to 19,831 tons.

10 CSR 10-6.374 Cross-State Air Pollution Rule Ozone Season NO_x Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate ozone season nitrogen oxides (NO_x) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) ozone season NO_x regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes ozone season NO_x allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the September 13, 2011, December 16, 2014, and March 24, 2015 affected industry meeting summaries indicating general agreement to reallocate unused NO_x allowances to municipalities that received zero (0) allowances.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.502 and 40 CFR 97.503 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.511(a), 40 CFR 97.511(b)(1) and 40 CFR 97.512(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(A) Existing Units.

1. Annual Submittal. The director must submit to the U.S. Environmental Protection Agency (EPA), in a format prescribed by the administrator, the TR NO_x Ozone Season allowances listed in Table I taking into account any modifications necessary in accordance with paragraph (3)(A)2. of this rule. This submittal must meet the following schedule:

A. By June 1, 2016, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2017 and 2018;

B. By June 1, 2017, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2019 and 2020;

C. By June 1, 2018, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in 2021 and 2022; and

D. By June 1, 2019, and June 1 of each year thereafter, the director will submit to EPA allowances for TR NO_x Ozone Season units for the control periods in the fourth year after the year in which the submission is made.

2. Non-operating Units. If a unit in Table I of this rule does not operate during two (2) consecutive control periods after 2014, the submittal made under paragraph (3)(A)1. of this rule will show zero (0) TR Ozone Season NO_x allowances for such unit for the control period in the fifth year after these two (2) such years and in each year after that fifth year. All TR NO_x Ozone Season allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the state for the respective years involved. If this subsection is applicable, any resulting changes to the submittal under paragraph (3)(A)1. of this rule will be determined in accordance with the following:

A. Every year, the director will review the operation of each unit listed in Table I and issue a notification that lists any unit in Table I that has not operated during two (2) consecutive control periods after 2014. Any notification made under this subparagraph will specify the first year in which allowances listed in Table I will be terminated for the applicable unit(s) under paragraph (3)(A)2. of this rule;

B. For each notification required in subparagraph (3)(A)2.A. of this rule, the director will provide an opportunity for submission of objections to the units referenced in such notice that must be submitted by the deadline specified in such notification in order to be considered; and

C. If there are objections, the director will review them and issue a notification responding to objections received along with any adjustments made to the list.

Table I

Source Name	Source ID	Unit ID	TR NO _x Ozone Season unit allowances (tons) for 2017 and thereafter
Asbury	2076	1	394
Audrain Power Plant	55234	CT1	1
Audrain Power Plant	55234	CT2	1
Audrain Power Plant	55234	CT3	1
Audrain Power Plant	55234	CT4	1
Audrain Power Plant	55234	CT5	1
Audrain Power Plant	55234	CT6	1
Audrain Power Plant	55234	CT7	1
Audrain Power Plant	55234	CT8	1
Blue Valley	2132	3	65
Chamois Power Plant	2169	2	101
Chillicothe	2122	GT1A	1
Chillicothe	2122	GT1B	0
Chillicothe	2122	GT2A	0
Chillicothe	2122	GT2B	0
Columbia	2123	6	18
Columbia	2123	7	26
Columbia	2123	8	0
Columbia Energy Center (MO)	55447	CT01	1
Columbia Energy Center (MO)	55447	CT02	1
Columbia Energy Center (MO)	55447	CT03	1
Columbia Energy Center (MO)	55447	CT04	0
Dogwood Energy Facility	55178	CT-1	23
Dogwood Energy Facility	55178	CT-2	18
Empire District Elec Co Energy Ctr	6223	1	1
Empire District Elec Co Energy Ctr	6223	2	1
Empire District Elec Co Energy Ctr	6223	3A	6
Empire District Elec Co Energy Ctr	6223	3B	6
Empire District Elec Co Energy Ctr	6223	4A	6
Empire District Elec Co Energy Ctr	6223	4B	6
Essex Power Plant	7749	1	7
Fairgrounds	2082	CT01	0
Greenwood Energy Center	6074	1	2
Greenwood Energy Center	6074	2	2
Greenwood Energy Center	6074	3	3

Greenwood Energy Center	6074	4	3
Hawthorn	2079	5A	1,082
Hawthorn	2079	6	1
Hawthorn	2079	7	6
Hawthorn	2079	8	7
Hawthorn	2079	9	21
Higginsville Municipal Power Plant	2131	4A	1
Higginsville Municipal Power Plant	2131	4B	0
Holden Power Plant	7848	1	3
Holden Power Plant	7848	2	4
Holden Power Plant	7848	3	3
Howard Bend	2102	CT1A	0
Howard Bend	2102	CT1B	0
Iatan	6065	1	1,374
James River	2161	GT1	6
James River	2161	GT2	12
James River	2161	3	87
James River	2161	4	102
James River	2161	5	186
John Twitty Energy Center	6195	1	351
John Twitty Energy Center	6195	CT1A	1
John Twitty Energy Center	6195	CT1B	1
John Twitty Energy Center	6195	CT2A	1
John Twitty Energy Center	6195	CT2B	1
Labadie	2103	1	986
Labadie	2103	2	1,038
Labadie	2103	3	1,115
Labadie	2103	4	1,100
Lake Road	2098	6	178
Lake Road	2098	GT5	1
McCartney Generating Station	7903	MGS1A	9
McCartney Generating Station	7903	MGS1B	9
McCartney Generating Station	7903	MGS2A	8
McCartney Generating Station	7903	MGS2B	8
Meramec	2104	1	255
Meramec	2104	2	250
Meramec	2104	3	483
Meramec	2104	4	632
Meramec	2104	CT01	0
Meramec	2104	CT2A	0
Meramec	2104	CT2B	0
Mexico	6650	CT01	0
Moberly	6651	CT01	0
Montrose	2080	1	311

Montrose	2080	2	295
Montrose	2080	3	307
Moreau	6652	CT01	0
New Madrid Power Plant	2167	1	989
New Madrid Power Plant	2167	2	994
Nodaway Power Plant	7754	1	4
Nodaway Power Plant	7754	2	5
Northeast Generating Station	2081	11	0
Northeast Generating Station	2081	12	0
Northeast Generating Station	2081	13	0
Northeast Generating Station	2081	14	0
Northeast Generating Station	2081	15	0
Northeast Generating Station	2081	16	0
Northeast Generating Station	2081	17	0
Northeast Generating Station	2081	18	0
Peno Creek Energy Center	7964	CT1A	8
Peno Creek Energy Center	7964	CT1B	7
Peno Creek Energy Center	7964	CT2A	7
Peno Creek Energy Center	7964	CT2B	6
Peno Creek Energy Center	7964	CT3A	7
Peno Creek Energy Center	7964	CT3B	8
Peno Creek Energy Center	7964	CT4A	8
Peno Creek Energy Center	7964	CT4B	8
Ralph Green Station	2092	3	1
Rush Island	6155	1	885
Rush Island	6155	2	916
Sibley	2094	1	91
Sibley	2094	2	94
Sibley	2094	3	611
Sikeston	6768	1	548
Sioux	2107	1	773
Sioux	2107	2	690
South Harper Peaking Facility	56151	1	12
South Harper Peaking Facility	56151	2	16
South Harper Peaking Facility	56151	3	20
St. Francis Power Plant	7604	1	19
St. Francis Power Plant	7604	2	18
State Line (MO)	7296	1	5
State Line (MO)	7296	2-1	28
State Line (MO)	7296	2-2	29
Thomas Hill Energy Center	2168	MB1	366
Thomas Hill Energy Center	2168	MB2	557
Thomas Hill Energy Center	2168	MB3	1,166
Viaduct	2096	CT01	0
Total			19,831

Note: Being included or excluded on the list of sources in Table I does not constitute a determination that such source is or is not a TR NO_x Ozone Season unit. The determination of applicability for TR NO_x Ozone Season units is in 40 CFR 97.504.

(B) New Units.

1. Annual Submittal. For the TR NO_x Ozone Season control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR NO_x Ozone Season allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period contains TR NO_x Ozone Season allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR NO_x Ozone Season unit commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR NO_x Ozone Season unit that commenced operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the reviews, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with the paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR NO_x Ozone Season allowance allocation to each TR NO_x Ozone Season unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.506(b)(2) and 40 CFR 97.530 through 40 CFR 97.535. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in

which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR NO_x Ozone Season allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR NO_x Ozone Season allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Ozone Season Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR NO_x Ozone Season units in Missouri, the director will allocate TR NO_x Ozone Season allowances to the TR NO_x Ozone Season units as follows:

A. Units Eligible to Receive Allowances. The TR NO_x Ozone Season allowances will be allocated to the following TR NO_x Ozone Season units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR NO_x Ozone Season units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR NO_x Ozone Season units whose allocation of an amount of TR NO_x Ozone Season allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

(III) TR NO_x Ozone Season units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR NO_x Ozone Season units under 40 CFR 97.511(c)(1)(ii) whose allocation of an amount of TR NO_x Ozone Season allowances for such control period under subparagraph (3)(B)2. of this rule is covered by 40 CFR 97.511(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR NO_x Ozone Season allowances in an amount equal to the difference between the Missouri TR NO_x Ozone Season trading budget for 2017 and thereafter, as set forth in 40 CFR 97.510(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR NO_x Ozone Season allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.511(c)(5);

C. Eligible Control Periods. The director will determine, for each TR NO_x Ozone Season unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR NO_x Ozone Season allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR NO_x Ozone Season unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR NO_x Ozone Season unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR NO_x Ozone Season allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR NO_x Ozone

Season unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of NO_x emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR NO_x Ozone Season allowances determined for all such TR NO_x Ozone Season units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR NO_x Ozone Season allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR NO_x Ozone Season allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities, as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR NO_x Ozone Season allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline, then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR NO_x Ozone Season allowances for a specific control period for TR NO_x Ozone Season units that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

Where:

EA = eligible TR NO_x Ozone Season Allowances
ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)
HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)
NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)
CP_{Tot} = number of days in the control period
CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting May 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR NO_x Ozone Season allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR NO_x Ozone Season allowances determined for each such TR NO_x Ozone Season unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR NO_x Ozone Season unit the amount of the TR NO_x Ozone Season allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR NO_x Ozone Season allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR NO_x Ozone Season allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR NO_x Ozone Season unit that is in the state, is allocated an amount of TR NO_x Ozone Season allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR NO_x Ozone Season allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR NO_x Ozone Season allowances equal to the following: the total amount of such remaining unallocated TR NO_x Ozone Season allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state NO_x Ozone Season

trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR NO_x Ozone Season allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR NO_x Ozone Season unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, by one (1) TR NO_x Ozone Season allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR NO_x Ozone Season units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR NO_x Ozone Season allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2013, the commission adopts a rule as follows:

10 CSR 10-6.376 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2015 (40 MoReg 777-783). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received six (6) comments from one (1) source; the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA commented that the purpose statement be revised to clarify that this rule only reallocates allowances under the federal Cross-State Air Pollution Rule (CSAPR) program and that EPA will continue to administer the federal CSAPR program.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the rule purpose statement has been changed to more accurately state the objective of the rule.

COMMENT #2: EPA commented that subparagraphs (3)(B)2.C. and (3)(B)3.I. refer to an "entity", yet this term is not defined in the definition section of this rule or in 10 CSR 10-6.020. The term "entity", as it is used in subparagraphs (3)(B)2.C and (3)(B)3.I., refers to the individual that may request allowances set aside for newly affected units. EPA recommends that it can be the owner, operator, or designated representative (as defined in 40 CFR 97.602) of a newly affected unit that can make such a request. EPA recommends that the department provide a definition for this term in order to provide clarity.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term "entity" has been removed and replaced with the phrase "facility owner, operator, or designated representative" in subparagraph (3)(B)2.C., part (3)(B)2.C.(II), and part (3)(B)3.I.(I) to clarify individuals that are eligible to request allowances for newly affected units.

COMMENT #3: EPA commented that subsection (2)(A) indicates that definitions for key words and phrases used in this rule may be found in 40 CFR 97.602 and 40 CFR 97.603 promulgated as of June 30, 2014, and section (3) indicates that this rule replaces 40 CFR 97.611(a), 40 CFR 97.611(b)(1) and 40 CFR 97.612(a) as promulgated as of June 30, 2014. EPA recommends that the June 30, 2014 date be replaced with July 1, 2014, since that is the date of publication of the CFR.

RESPONSE AND EXPLANATION OF CHANGE: As recommended, subsection (2)(A) has been changed from June 30, 2014 to July 1, 2014 to reflect the annual publication of the *Code of Federal Regulations*.

COMMENT #4: EPA commented that part (3)(B)3.I.(I) includes a citation to subparagraph (3)(B)2.B. It appears that this may be a typo and should reference subparagraph (3)(B)2.C.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)3.I.(I) has been revised to correct the reference to subparagraph (3)(B)2.C.

COMMENT #5: EPA commented that part (3)(B)2.C.(II) indicates that the director will review any submissions made in accordance with this paragraph "to confirm that the units identified in the submissions are TR SO₂ Annual units that commenced commercial operation during the year of such control period and ending March 31 of the year of such control period." This is not consistent with the language in 10 CSR 10-6.372 and 10 CSR 10-6.374. It appears that there may be an omission in this sentence (as found in 10 CSR 10-6.376 part (3)(B)2.C.(II)) and that the department intended the sentence to read: "director will review any submissions made in accordance with this paragraph", "to confirm that the units identified in the submissions are TR SO₂ Annual units that commenced commercial operation during the period starting January 1 of the year before

the year of such control period and ending March 31 of the year of such control period."

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, part (3)(B)2.C.(II) has been corrected to reflect similar language found in 10 CSR 10-6.372, and 10 CSR 10-6.374.

COMMENT #6: Staff noted that the proposed rule title had a typographical error with two (2) transposed words.

RESPONSE AND EXPLANATION OF CHANGE: The title typographical error has been corrected.

10 CSR 10-6.376 Cross-State Air Pollution Rule Annual SO₂ Trading Allowance Allocations

PURPOSE: The purpose of this rule is to reallocate annual sulfur dioxide (SO₂) emission allowances for use with the U.S. Environmental Protection Agency's (EPA's) annual SO₂ regional emission reduction program as established in the federal Cross-State Air Pollution Rule (CSAPR) for 2017 and beyond. The federal CSAPR program will continue to be administered by EPA. The state rule only redistributes annual SO₂ allowances. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a November 7, 2011 email with agreement between Empire District Electric Co. (Empire) and Kansas City Power and Light (KCP&L) and November 26, 2014 and March 24, 2015 meeting conference call notes.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in 40 CFR 97.602 and 40 CFR 97.603 promulgated as of July 1, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, are hereby incorporated by reference as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(3) General Provisions. This rule replaces 40 *Code of Federal Regulations* (CFR) 97.611(a), 40 CFR 97.611(b)(1) and 40 CFR 97.612(a) promulgated as of June 30, 2014, and *Federal Register* Notice 79 FR 71663 promulgated on December 3, 2014, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408.

(B) New Units.

1. Annual Submittal. For the TR SO₂ Annual control period in 2017 and each control period thereafter, the director must submit to EPA, in a format prescribed by the administrator, the TR SO₂ Annual allowances as determined under this subsection by July 1 of the applicable control period.

2. New unit set-asides.

A. Allowance Calculation. Every year, the director will calculate the TR SO₂ Annual allowance allocation to each TR SO₂ Annual unit in a state, in accordance with subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule, for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule. Once the calculations are complete, the director will contact all facilities that will receive allocations under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for the control period in the year of the applicable submittal deadline under paragraph (3)(B)1. of this rule to confirm that the calculations were performed in accordance with this rule, and make adjustments to the calculations if necessary.

B. Excess Allowances. If the new unit set-aside for such control period has any TR SO₂ Annual allowances remaining after the calculations performed under subparagraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule have been completed, then allowances will be calculated in accordance with subparagraph (3)(B)3.I. of this rule.

C. Industry Requests for Excess Allowances. If a facility owner, operator, or designated representative wishes to receive allowances in accordance with subparagraph (3)(B)3.I. of this rule, for any control period, then by April 5 of the applicable control period, the facility owner, operator, or designated representative must submit information to the director confirming that a TR SO₂ Annual unit commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The submittal must also include the calculation of eligible allowances for use in subparagraph (3)(B)3.I. of this rule, for each TR SO₂ Annual unit that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period.

(I) The calculation of eligible allowances must be in accordance with part (3)(B)3.I.(III) of this rule in order for such units to be eligible to receive any allowances in accordance with subparagraph (3)(B)3.I. of this rule.

(II) Each year, the director will review any submissions made in accordance with this paragraph to confirm that units identified in the submissions are TR SO₂ Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period. The director will also confirm that the submission includes the correct calculations for eligible allowances in accordance with part (3)(B)3.I.(III) of this rule. If, during the review, the director identifies any discrepancies with the identified units or the calculations in a submission made in accordance with this paragraph, the director may request additional information from the facility owner, operator, or designated representative that made the submission. If additional information is requested, the facility owner, operator, or designated representative must provide the requested information by the deadline specified in the information request; otherwise, units identified in such submission will not be eligible for allowances in accordance with subparagraph (3)(B)3.I. of this rule for the applicable control period.

D. Public Notification. The director will determine the TR SO₂ Annual allowance allocation to each TR SO₂ Annual unit in accordance with subparagraphs (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule and 40 CFR 97.606(b)(2) and 40 CFR 97.630 through 40 CFR 97.635. By June 1 of each year, the director will issue a notification making available the results of all allowance determinations from the new unit set-aside for the control period in which the notification is made.

(I) For each notification required in part (3)(B)2.D.(II) of this rule, the director will provide an opportunity for submission of objections to the calculations referenced in such notice.

(II) If there are objections, the director will review them and provide notification stating the outcome.

E. Allowance Changes. If any TR SO₂ Annual allowances are added to the new unit set-aside after submittals as required in subparagraph (3)(B)2.C. of this rule, the director will issue additional notifications, as deemed appropriate, of the allocation of such TR SO₂ Annual allowances in accordance with subparagraph (3)(B)3.J. of this rule.

3. New Unit Annual Allowance Allocation Methodology. For each control period in 2017 and thereafter and for the TR SO₂ Annual units in Missouri, the director will allocate TR SO₂ Annual allowances to the TR SO₂ Annual units as follows:

A. Units Eligible to Receive Allowances. The TR SO₂ Annual allowances will be allocated to the following TR SO₂ Annual units, except as provided in subparagraph (3)(B)3.J. of this rule:

(I) TR SO₂ Annual units that are not listed in Table I in paragraph (3)(A)2. of this rule;

(II) TR SO₂ Annual units whose allocation of an amount of TR SO₂ Annual allowances for such control period listed in Table I in paragraph (3)(A)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

(III) TR SO₂ Annual units that are listed in Table I in paragraph (3)(A)2. of this rule and the allocation to such unit(s) is terminated for the applicable control period pursuant to paragraph (3)(A)2. of this rule, and that operate during the control period immediately preceding such control period; or

(IV) For purposes of subparagraph (3)(B)3.I. of this rule, TR SO₂ Annual units under 40 CFR 97.611(c)(1)(ii) whose allocation of an amount of TR SO₂ Annual allowances for such control period under paragraph (3)(B)2. of this rule is covered by 40 CFR 97.611(c)(2) or (3);

B. Total Allowances Available. The director will establish a separate new unit set-aside for the state for each such control period. Each such new unit set-aside will be allocated TR SO₂ Annual allowances in an amount equal to the difference between the Missouri TR SO₂ Annual trading budget for 2017 and thereafter, as set forth in 40 CFR 97.610(a), and the total number of allowances allocated in accordance with paragraph (3)(A)1. of this rule for such control period. The new unit set-aside will be allocated additional TR SO₂ Annual allowances (if any) in accordance with paragraph (3)(A)2. of this rule and 40 CFR 97.611(c)(5);

C. Eligible Control Periods. The director will determine, for each TR SO₂ Annual unit described in subparagraph (3)(B)3.A. of this rule, an allocation of TR SO₂ Annual allowances for the later of the following control periods and for each subsequent control period:

(I) The control period in 2017;

(II) The first control period after the control period in which the TR SO₂ Annual unit commences commercial operation;

(III) For a unit described in part (3)(B)3.A.(II) of this rule, the first control period in which the TR SO₂ Annual unit operates in the state after operating in another jurisdiction and for which the unit is not already allocated one (1) or more TR SO₂ Annual allowances; and

(IV) For a unit described in part (3)(B)3.A.(III) of this rule, the first control period after the control period in which the unit resumes operation, or the first control period in which the allocation for such unit listed in Table I in paragraph (3)(A)2. of this rule is terminated pursuant to paragraph (3)(A)2. of this rule, whichever is later;

D. Allocations. The allocation to each TR SO₂ Annual unit described in parts (3)(B)3.A.(I) through (3)(B)3.A.(III) of this rule and for each control period described in subparagraph (3)(B)3.C. of this rule will be an amount equal to the unit's total tons of SO₂ emissions during the immediately preceding control period. The director will adjust the allocation amount in this subparagraph in accordance with subparagraphs (3)(B)3.E. through (3)(B)3.G. and (3)(B)3.L. of this rule;

E. Sum of Allowances. The director will calculate the sum of the TR SO₂ Annual allowances determined for all such TR SO₂ Annual units under subparagraph (3)(B)3.D. of this rule in the state for such control period;

F. Extra Allowance Allocation. If the amount of TR SO₂ Annual allowances in the new unit set-aside for the state for such control period is greater than or equal to the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate the amount of TR SO₂ Annual allowances determined for each such TR SO₂ Annual unit under subparagraph (3)(B)3.D. of this rule;

G. Insufficient Allowance Allocation. If the amount of TR SO₂ Annual allowances in the new unit set-aside for the state for such control period is less than the sum under subparagraph (3)(B)3.E. of this rule, then the director will allocate to each such TR SO₂ Annual unit the amount of the TR SO₂ Annual allowances determined under subparagraph (3)(B)3.D. of this rule for the unit, multiplied by the amount of TR SO₂ Annual allowances in the new unit set-aside for such control period, divided by the sum under subparagraph (3)(B)3.E. of this rule, and rounded to the nearest allowance;

H. Confirmation of Allowances. The director will contact facilities as described in subparagraph (3)(B)2.A. of this rule to confirm the amount of TR SO₂ Annual allowances allocated under sub-

paragraphs (3)(B)3.B. through (3)(B)3.G. and (3)(B)3.L. of this rule for such control period to each TR SO₂ Annual unit eligible for such allocation;

I. Allowance Calculation for Units That Recently Began Operation. If, after completion of the procedures under subparagraphs (3)(B)3.E. through (3)(B)3.H. of this rule for such control period, any unallocated TR SO₂ Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate such TR SO₂ Annual allowances as follows:

(I) For any submission made in accordance with subparagraph (3)(B)2.C. of this rule, the submitting facility owner, operator, or designated representative may include the calculation of eligible allowances for such control period as specified in part (3)(B)3.I.(III) of this rule. If such submission is not made or fails to include the calculation of eligible allowances under this part by the April 5 deadline, or if the facility owner, operator, or designated representative fails to provide additional information requested in accordance with part (3)(B)2.C.(II) of this rule by the applicable deadline; then no allowances will be awarded to such unit in accordance with this subparagraph for such control period;

(II) The director will review submissions made in accordance with subparagraph (3)(B)2.C. of this rule, as specified in part (3)(B)2.C.(II) of this rule and may adjust the units identified in such submission if they are not eligible for allowances under this subparagraph, and the director may also adjust the calculation of eligible allowances included in such submission to ensure they are in accordance with part (3)(B)3.I.(III) of this rule;

(III) The calculation of eligible TR SO₂ Annual allowances for a specific control period for TR SO₂ Annual units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period must be as follows;

$$EA = \frac{ER \times 10^6}{CP_{Td} \times CF} \times \left(\frac{1}{HR} \right) \times \left(\frac{NP_{Cap}}{10^6} \right)$$

Where:

- EA = eligible TR SO₂ Annual Allowances
 ER = the unit's permitted emission rate from the unit's construction permit approved under 10 CSR 10-6.060 (lb/mmBTU)
 HR = the heat rate efficiency for the generator that the unit serves (BTU/kW-hr)
 NP_{Cap} = nameplate capacity of the generator that the unit serves (MWe)
 CP_{Td} = number of days in the control period
 CF = the unit's default capacity factor from Table II below

Table II – Default Capacity Factors for New Units

Unit Types	Annual SO ₂ & NO _x Programs	Ozone Season NO _x Program
Coal-Fired Steam Boiler	0.85	0.92
IGCC (Coal Gasification)	0.74	0.73
Oil-Fired Steam Boiler	0.30	0.39
Natural Gas-Fired Steam Boiler	0.44	0.47
Simple Cycle Combustion Turbine	0.24	0.32
Combined Cycle Combustion Turbine	0.66	0.71

(IV) The director will determine, for each unit described in subparagraph (3)(B)3.A. of this rule that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending March 31 of the year of such control period, the positive difference (if any) between the unit's emissions during the previous control period and the amount of eligible TR SO₂ Annual allowances as calculated under part (3)(B)3.I.(III) of this rule;

(V) The director will determine the sum of the positive differences determined under part (3)(B)3.I.(IV) of this rule;

(VI) If the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for the state for such control period is greater than or equal to the sum determined under part (3)(B)3.I.(V) of this rule, then the director will allocate the amount of TR SO₂ Annual allowances determined for each such TR SO₂ Annual unit under part (3)(B)3.I.(IV) of this rule; and

(VII) If the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for the state for such control period is less than the sum under part (3)(B)3.I.(V) of this rule, then the director will allocate to each such TR SO₂ Annual unit the amount of the TR SO₂ Annual allowances determined under part (3)(B)3.I.(IV) of this rule for the unit, multiplied by the amount of unallocated TR SO₂ Annual allowances remaining in the new unit set-aside for such control period, divided by the sum under part (3)(B)3.I.(V) of this rule, and rounded to the nearest allowance;

J. Distribution of Remaining Allocations. If, after completion of the procedures under subparagraphs (3)(B)3.I. and (3)(B)3.L. of this rule for such control period, any unallocated TR SO₂ Annual allowances remain in the new unit set-aside for the state for such control period, the director will allocate to each TR SO₂ Annual unit that is in the state, is allocated an amount of TR SO₂ Annual allowances listed in Table I in paragraph (3)(A)2. of this rule, and continues to be allocated TR SO₂ Annual allowances for such control period in accordance with paragraph (3)(A)2. of this rule, an amount of TR SO₂ Annual allowances equal to the following: the total amount of such remaining unallocated TR SO₂ Annual allowances in such new unit set-aside, multiplied by the unit's allocation listed in Table I in paragraph (3)(A)2. of this rule for such control period, divided by the remainder of the amount of tons in the applicable state SO₂ Annual trading budget minus the amount of tons in such new unit set-aside for the state for such control period, and rounded to the nearest allowance;

K. Public Notification. The director will issue notifications as described in subparagraphs (3)(B)2.D. and (3)(B)2.E. of this rule, of the amount of TR SO₂ Annual allowances allocated under subparagraphs (3)(B)3.B. through (3)(B)3.G., (3)(B)3.I., (3)(B)3.J., and (3)(B)3.L. of this rule for such control period to each TR SO₂ Annual unit eligible for such allocation; and

L. Allocation Tabulations That Exceed or Are Less Than the New Unit Set-Aside.

(I) Notwithstanding the requirements of subparagraphs (3)(B)3.B. through (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.G. of this rule, subparagraph (3)(B)3.F. and part (3)(B)3.I.(VII) of this rule, or subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in total allocations of such new unit set-aside exceeding the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, as follows. The director will list the TR SO₂ Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this rule, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will reduce each unit's allocation under subparagraph (3)(B)3.G., part (3)(B)3.I.(VII), or subparagraph (3)(B)3.J. of this

rule, as applicable, by one (1) TR SO₂ Annual allowance (but not below zero (0)) in the order in which the units are listed and will repeat this reduction process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

(II) Notwithstanding the requirements of subparagraphs (3)(B)3.J. and (3)(B)3.K. of this rule, if the calculations of allocations of a new unit set-aside for a control period in a given year under subparagraph (3)(B)3.F., part (3)(B)3.I.(VI), and subparagraph (3)(B)3.J. of this rule would otherwise result in a total allocations of such new unit set-aside less than the total amount of such new unit set-aside, then the director will adjust the results of the calculations under subparagraph (3)(B)3.J. of this rule, as follows. The director will list the TR SO₂ Annual units in descending order based on the amount of such units' allocations under subparagraph (3)(B)3.J. of this rule and, in cases of equal allocation amounts, in alphabetical order of the relevant source's name and numerical order of the relevant unit's identification number, and will increase each unit's allocation under subparagraph (3)(B)3.J. of this rule by one (1) TR SO₂ Annual allowance in the order in which the units are listed and will repeat this increase process as necessary, until the total allocations of such new unit set-aside equal the total amount of such new unit set-aside.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 3—Hazardous Waste Management System:
General**

ORDER OF RULEMAKING

~~By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.373, RSMo Supp. 2013, the commission hereby amends a rule as follows:~~

40 CSR 25 3.260 Definitions, Modifications to Incorporations and Confidential Business Information is amended.

~~A notice of proposed rulemaking containing the text of the proposed amendment was published in the Missouri Register on May 15, 2015 (40 MoReg 626-629). No changes have been made in the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.~~

~~SUMMARY OF COMMENTS: A public hearing was held June 18, 2015, and the public comment period ended June 25, 2015. At the public hearing the Department of Natural Resources testified that the fourteen (14) amendments proposed to Title 10, Division 25 of the Code of State Regulations would make the changes to Missouri hazardous waste regulations required by section 260.373, RSMo, would update Missouri's incorporation of the federal hazardous waste regulations from July 1, 2010 to July 1, 2013 plus two (2) additional federal rules, and would make additional changes to the Missouri regulations that, although not required because they are not included in the statutory limitation or are based on one (1) of the exclusions, are consistent with the changes required by section 260.373, RSMo.~~

~~Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), and Mr. David Shanks, Environmental Policy Analyst for The Boeing Company, testified at the public hearing and submitted written comments.~~

~~The department received written comments on the proposed amendments from Mr. Perry, Mr. Shanks, Mr. Greg Carrell, Acting State Fire Marshal, Mr. Evan Bryant, Mr. Mark Reppond from Safety Kleen, Ms. Jackie King, Executive Director of the Secondary Materials and Recycled Textiles Association, and Ms. Jessica Franken, Director of Government Affairs for INDIA, Association of the Nonwoven Fabrics Industry.~~

eSIPS (electronic State Implementation Plan Submission) Summary Report

Note: This report is a summary of your submission to the electronic SIP (eSIPS) system and is not to be used as the official record for your SIP submission.

Date of Report 11/19/2015 16:12:40

Form Status Complete

eSIP SUBMISSION INFORMATION

Submission Title	MO_CSAPR_11202016
Pollutants Affected	NOx (precursor pollutant), SO2 (precursor pollutant)
Submittal Category/Categories	TR - Interstate Transport Regulations (e.g., CSAPR SIPs)
Other Submittal Category	
Submittal Category Description	Rules
Geographic Area Affected	Statewide
Are you requesting parallel processing for this SIP Revision?	No

eSIP PARALLEL PROCESSING

Not applicable

eSIP ADMINISTRATIVE EVIDENCE COMPLETENESS CHECKLIST

☐ **1.** Submittal letter from Governor or designee requesting approval of the plan or revision.

☐ **2.** Evidence of adoption.

Date adopted 8/27/2015

Date effective 12/30/2015

☐ **3.** Evidence of legal authority to adopt and implement revision.

☐ **3(a).** Copy of final adopted plan and/or rule.

☐ **3(b).** Indication of changes to existing plan and/or rule if applicable.

☐ **4.** Evidence that state followed procedural requirements for adoption/issuance of plan.

☐ **4(a).** Evidence of public notice.

Date Public Notice Provided 6/10/2015

5. Was a public hearing requested and/or held? Yes

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5(a). Date of first public hearing.

8/3/2015

Date of second public hearing

Date of third public hearing

☐ **5(b).** Evidence that public hearing was held.

6. Were public comments received?

Yes

☐ **6(a).** Compilation of public comments and state responses or declaration that no comments were received.

eSIP ADMINISTRATIVE EVIDENCE – SUPPORTING DOCUMENTATION

Attachment	File Description
complete CSAPR epa submittal.pdf	complete submittal

Additional Information regarding this submittal:

Please enter any additional information regarding this submittal.

eSIP TECHNICAL SUPPORT DOCUMENT INFORMATION – AS APPLICABLE

Are there Technical Support Documents included in this submittal? No

The Technical Support Document should contain the following (if applicable):

- ☐ List of Pollutants affected by plan
- ☐ Location of sources affected by plan
- ☐ Quantification of allowable emissions
- ☐ Demonstrate change meets NAAQS, PSD, RFP and/or visibility requirements
- ☐ Modeling information supporting the revision
- ☐ Evidence reductions are based on continuous emissions reduction technology
- ☐ Emission limits, work practices, record keeping, etc.
- ☐ Compliance with enforcement strategies
- ☐ Special economic and technological justifications per applicable EPA policies
- ☐ Other

Please describe all other Technical Support Documents

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eSIP TECHNICAL SUPPORT – ADDITIONAL DOCUMENTATION

Attachment	File Description

This SIP submission includes additional documentation (e.g., large modeling files) that is not submitted through this electronic system? No

This information will be provided to EPA via: